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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,448	08/21/2003	John C. Steven III	UTL00312	7981
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KYOCERA WIRELESS CORP. P.O. BOX 928289 SAN DIEGO, CA 92192-8289				
EXAMINER LARSON, JUSTIN MATTHEW				
ART UNIT		PAPER NUMBER		
3727				
DATE MAILED: 08/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/645,448

Applicant(s)

STEVEN ET AL.

Examiner

Justin M. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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2. The disclosure is objected to because of the following informalities:

Sections/Headings are underlined. Please refer to the suggested Arrangement of the Specification above.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 places structural limitation on the personal electronic device, requiring that it include a battery compartment door and a battery compartment door latch for connecting the battery compartment door to the housing. Claim 11 therefor appears to claim the personal electronic device in combination with the belt attachment device, when claim 6, from which claim 11 depends, appears to claim only the subcombination of the belt attachment device. It is unclear whether applicant wishes to claim the combination or subcombination as his/her invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Michel et al. (6,305,588). Michel et al. discloses a method of connecting a belt clip attachment device (14) to the rear face (10) of a personal electronic device, where the belt clip attachment device is pushed into orifice (12) on the rear face of the personal electronic device and twisted so that the bearing means (26) on retention member (22) are coupled against wall (10), and also the belt clip attachment device is circular (see esp. figure 1).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michel et al. in view of Lehtinen (6,059,156). Michel et al. discloses the claimed invention, but does not explicitly disclose that the belt clip attachment device and the connected personal electronic device can be oriented at multiple angles with respect to a user's belt, although there is no structure set forth that would inhibit such orientational freedom. Lehtinen, however, teaches an attachment system for a portable device that is adapted to retain a personal electronic device on a person's belt in the same manor as that of Michel et al., i.e. a circular engagement member (2) held in the retaining slot (112) of a belt attachment member (1). The device of Lehtinen allows the personal electronic device to turn up to 360° in the plane of the belt attachment (col. 2 line 7).

Because the devices have the same engagement structure, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the device of Michel et al. in such a way as to allow multiple orientation angles between the attachment device, electronic device, and belt, as taught by Lehtinen, so that the device would rotate when the user sat down or bent over, reducing the discomfort of having a rigid device attached to their belt.

9. Claims 1-7, 9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel et al. in view of Cau (5,833,416). Michel et al. teaches "it is known to provide a stud on the rear face of mobile telephones which allows the person carrying the telephone to suspend it from his belt" (col. 1 line 14).

Regarding claims 6, 9, 11, and 12, Michel et al. discloses a belt clip attachment member (14) that has pegs (27) to slidably engage slots (52) in the recess on the rear side of the personal electronic device, forming a bayonet connection, engaged through a push and twist action, the member having a circular configuration (see esp. figure 1), including a resilient member (74) disposed within the belt clip attachment device that urges the belt clip attachment device away from the rear of the phone and in a locked position (col. 6 line 20). It is apparent that Michel et al. discloses a bayonet connection that is structurally reversed from that which is claimed in that the pegs or pins are formed on the engagement member and the slots are formed in the recess, rather than the pegs or pins being formed in the recess and the slots formed on the engagement member. Cau, however, teaches a bayonet connection where a stud (28) has one or more slots formed by ribs (37) that are intended to slidably engage pegs (17) of recess

(16) when the stud is inserted into the recess and twisted (see esp. figure 2). Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Michel et al. by forming the pegs or pins in the recess on the rear side of the phone and including slots on the engagement member to slidably receive the pegs or pins, as taught by Cau, in order to utilize another well known and art-equivalent bayonet connection for securing the engagement member in the recess of the mobile phone.

Regarding claim 7, there is no structure set forth by Michel et al. that would prevent the orientation of the belt clip attachment device and the connected personal electronic device at one of multiple different possible angles with respect to a user's belt, and therefor, the device of Michel et al. and Cau effectively satisfies the claim. Please also refer to paragraph 8 above.

Regarding claims 1-5, the art as applied above effectively satisfies the method claims because the apparatus disclosed in the art as applied above is formed and used in the same manner as the claimed invention and all structural requirements are provided.

10. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel et al. in view of Cau (5,833,416), and further in view of Wang (6,283,348). Michel et al. and Cau fail to disclose the engagement member having a starburst configuration or having a well to receive a tang of a belt clip. Wang, however, discloses a cellular telephone clip similar to that of Michel et al. and Cau where the engagement member (E) includes a hollow well in (F) to receive a tang (D) of a belt clip (A) (see esp. figure 1)

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and also that an engagement member (2) may be reconfigured to have a starburst configuration (see esp. figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Michel et al. and Cau by including a well to receive a tang found on a belt clip or to give the engagement member a starburst configuration, as taught by Wang, in order to prevent the engagement member and mobile phone from unexpectedly sliding up and out of the belt clip and to give the engagement member a more appealing visual style.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goradesky, Iitsuka, Huang, Taylor et al., Alanara, Dong-Joo, Liang, Lien, and Saarikko et al., teach similar belt clip attachment devices that utilize an engagement member in a retaining slot. Norwood et al., Weingartner, Kelly, Arcykiewicz et al., Reiff, Schiff et al., Kass, Silversides, Yoneyama et al., Wenstrom, Jr., Lecheheb et al., Bohle et al., Arff, Collins et al., Schwartz, and Amico teach the use of various bayonet connections in various applications. Parsons and Infanti teach the use of starburst configurations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on M-Th 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone



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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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NATHAN J. NEWHOUSE  
PRIMARY EXAMINER